

1 COOPER AND KIRK, PLLC  
 Charles J. Cooper (DC Bar No. 248070)\*  
 2 *ccooper@cooperkirk.com*  
 David H. Thompson (DC Bar No. 450503)\*  
 3 *dthompson@cooperkirk.com*  
 Howard C. Nielson, Jr. (DC Bar No. 473018)\*  
 4 *hnielson@cooperkirk.com*  
 Nicole J. Moss (DC Bar No. 472424)\*  
 5 *nmoss@cooperkirk.com*  
 Peter A. Patterson (OH Bar No. 0080840)\*  
 6 *ppatterson@cooperkirk.com*  
 1523 New Hampshire Ave. N.W., Washington, D.C. 20036  
 7 Telephone: (202) 220-9600, Facsimile: (202) 220-9601

8 LAW OFFICES OF ANDREW P. PUGNO  
 Andrew P. Pugno (CA Bar No. 206587)  
 9 *andrew@pugnotlaw.com*  
 101 Parkshore Drive, Suite 100, Folsom, California 95630  
 10 Telephone: (916) 608-3065, Facsimile: (916) 608-3066

11 ALLIANCE DEFENSE FUND  
 Brian W. Raum (NY Bar No. 2856102)\*  
 12 *braum@telladf.org*  
 James A. Campbell (OH Bar No. 0081501)\*  
 13 *jcampbell@telladf.org*  
 15100 North 90th Street, Scottsdale, Arizona 85260  
 14 Telephone: (480) 444-0020, Facsimile: (480) 444-0028

15 ATTORNEYS FOR DEFENDANT-INTERVENORS DENNIS HOLLINGSWORTH,  
 GAIL J. KNIGHT, MARTIN F. GUTIERREZ, HAK-SHING WILLIAM TAM,  
 16 MARK A. JANSSON, and PROTECTMARRIAGE.COM – YES ON 8, A  
 PROJECT OF CALIFORNIA RENEWAL

17 \* Admitted *pro hac vice*

18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20 KRISTIN M. PERRY, SANDRA B. STIER, PAUL  
 21 T. KATAMI, and JEFFREY J. ZARRILLO,

22 Plaintiffs,

23 CITY AND COUNTY OF SAN FRANCISCO,

24 Plaintiff-Intervenor,

25 v.

26 ARNOLD SCHWARZENEGGER, in his official  
 27 capacity as Governor of California; EDMUND G.  
 BROWN, JR., in his official capacity as Attorney  
 28 General of California; MARK B. HORTON, in his

CASE NO. 09-CV-2292 VRW

**DEFENDANT-INTERVENORS’  
 WITNESS STATEMENT**

**Pretrial Conference**

Date: December 16, 2009  
 Time: 10:00 a.m.  
 Judge: Chief Judge Vaughn R. Walker  
 Location: Courtroom 6, 17th Floor

Trial Date: January 11, 2010

1 official capacity as Director of the California  
2 Department of Public Health and State Registrar of  
3 Vital Statistics; LINETTE SCOTT, in her official  
4 capacity as Deputy Director of Health Information  
5 & Strategic Planning for the California Department  
6 of Public Health; PATRICK O'CONNELL, in his  
7 official capacity as Clerk-Recorder for the County  
8 of Alameda; and DEAN C. LOGAN, in his official  
9 capacity as Registrar-Recorder/County Clerk for  
10 the County of Los Angeles,

11  
12 Defendants,

13 and

14 PROPOSITION 8 OFFICIAL PROPONENTS  
15 DENNIS HOLLINGSWORTH, GAIL J.  
16 KNIGHT, MARTIN F. GUTIERREZ, HAK-  
17 SHING WILLIAM TAM, and MARK A.  
18 JANSSON; and PROTECTMARRIAGE.COM –  
19 YES ON 8, A PROJECT OF CALIFORNIA  
20 RENEWAL,

21 Defendant-Intervenors.

22  
23 Additional Counsel for Defendant-Intervenors

24 ALLIANCE DEFENSE FUND

25 Timothy Chandler (CA Bar No. 234325)

26 *tchandler@telladf.org*

27 101 Parkshore Drive, Suite 100, Folsom, California 95630

28 Telephone: (916) 932-2850, Facsimile: (916) 932-2851

Jordan W. Lorence (DC Bar No. 385022)\*

*jlorence@telladf.org*

Austin R. Nimocks (TX Bar No. 24002695)\*

*animocks@telladf.org*

801 G Street NW, Suite 509, Washington, D.C. 20001

Telephone: (202) 393-8690, Facsimile: (202) 347-3622

\* Admitted *pro hac vice*

**Defendant-Intervenors' Witness Statement**

Pursuant to the Court's August 24, 2009 Pretrial Scheduling Order, Doc # 164, Defendant-Intervenors ("Proponents") respectfully submit this statement identifying the persons they may call as witnesses and summarizing their testimony.<sup>1</sup> Proponents reserve the right to omit witnesses at trial or to call any witness necessary to lay the foundation for the admissibility of trial exhibits, and to call as their own witness any witness identified on the Plaintiffs' and/or Plaintiff-Intervenor's (collectively, "Plaintiffs") witness statements on the subjects identified by Plaintiffs.<sup>2</sup> In addition to the topics listed below, each witness may additionally testify as to any topics regarding any exhibit presented by any party at trial, in rebuttal of evidence and testimony submitted by Plaintiffs, or impeachment of Plaintiffs' witnesses.<sup>3</sup>

| <b>Witness Name</b> | <b>Address</b>   | <b>Summary of Testimony</b>  |
|---------------------|--|--|
| David Blankenhorn*  | Institute for American Values<br>1841 Broadway, Suite 211<br>New York, NY 10023<br>(212) 246-3942  | Mr. Blankenhorn's testimony will relate to the matters addressed in his expert report.           |
| Loren Marks*        | Louisiana State University<br>School of Human Ecology<br>Division of Family, Child &<br>Consumer Sciences<br>341 Human Ecology Building<br>Baton Rouge, LA 70803<br>(225) 578-2697 | Professor Marks's testimony will relate to the matters addressed in his expert report.           |
| Kenneth P. Miller*  | Associate Professor<br>Department of Government<br>Claremont McKenna College<br>Claremont, CA 91711<br>(909) 607-2811  | Professor Miller's testimony will relate to the matters addressed in his expert rebuttal report. |

<sup>1</sup> Witnesses Proponents expect to present are identified with an asterisk (\*). Proponents may call the remaining witnesses if the need arises.

<sup>2</sup> Proponents reserve the right to object to any witness designated on the Plaintiffs' witness statement, or any exhibit on Plaintiffs' exhibit list. Proponents also reserve the right to rely upon Plaintiffs' designated witnesses or exhibits, and this reservation should not be construed as a waiver of any objection to specific witnesses or exhibits.

<sup>3</sup> It is Proponents' understanding that the Defendants in this case do not plan to present evidence at trial. Should Defendants seek to do so, Proponents adopt the same reservations with respect to such evidence, be it witness testimony, documentary, or other evidence, as they have with respect to Plaintiffs' evidence.

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| 1  | Paul Nathanson*     | Religious Studies<br>McGill University<br>3520 University St.<br>Montreal, QC H3A 2A7<br>(514) 398-1511   | Dr. Nathanson's testimony will relate to the matters addressed in his expert report.   |
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| 4  | Daniel N. Robinson* | Philosophy Faculty<br>Oxford University<br>10 Merton St.<br>Oxford OX1 4AA<br>(1865) 55676  | Professor Robinson will testify to the matters addressed in his expert rebuttal report.  |
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| 8  | Katherine Young*    | Faculty of Religious Studies<br>McGill University<br>3520 University St.<br>Montreal, QC, H3A 2A7<br>(514) 398-1511                                   | Professor Young's testimony will relate to the matters addressed in her expert report  |
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| 11 | Kristin M. Perry    | Plaintiff Perry claims to reside in Alameda County, California  | Proponents may elicit testimony from Plaintiff Perry related to her role as a Plaintiff in this matter, her knowledge about sexual orientation, and the topics addressed in her deposition.  |
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| 14 | Sandra B. Stier     | Plaintiff Stier claims to reside in Alameda County, California  | Proponents may elicit testimony from Plaintiff Stier related to her role as a Plaintiff in this matter, her knowledge about sexual orientation, and the topics addressed in her deposition.  |
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| 17 | Paul T. Katami      | Plaintiff Katami claims to reside in Los Angeles County, California   | Proponents may elicit testimony from Plaintiff Katami related to his role as a Plaintiff in this matter, his knowledge about sexual orientation, and the topics to be addressed in his deposition.   |
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| 20 | Jeffrey J. Zarrillo | Plaintiff Zarrillo claims to reside in Los Angeles County, California   | Proponents may elicit testimony from Plaintiff Zarrillo related to his role as a Plaintiff in this matter, his knowledge about sexual orientation, and the topics to be addressed in his deposition.   |
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| 23 | M.V. Lee Badgett    | Center for Public Policy & Administration<br>University of Massachusetts<br>416 Thompson Hall<br>200 Hicks Way<br>Amherst, MA 01003<br>(413) 545-3162 | Proponents may elicit testimony from Professor Badgett on topics addressed in her expert report, expert rebuttal report, her writings and deposition testimony. Proponents may also elicit testimony from Professor Badgett related to her role with the Williams Institute. |
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| 1 | Nancy F. Cott       | Department of History<br>35 Quincy St.<br>Harvard University<br>Cambridge, MA 02138<br>(617) 495-3085  | Proponents may elicit testimony from Professor Cott on topics addressed in her expert report, expert rebuttal report, her writings, and deposition testimony.      |
| 2 | George Chauncey     | P.O. Box 208324<br>New Haven, CT 06520-8324<br>(203) 436-8100  | Proponents may elicit testimony from Professor Chauncey on topics related to his expert report, his writings, and deposition testimony.                            |
| 3 | Daniel S. Hamermesh | University of Texas<br>Department of Economics<br>1 University Station<br>Austin, TX 78712-1173<br>(512) 745-8526                                | Proponents may elicit testimony from Professor Hamermesh on topics addressed in his expert report, expert rebuttal report, his writings, and deposition testimony. |
| 4 | Gregory M. Herek    | Department of Psychology<br>University of California<br>1 Shields Avenue<br>Davis, CA 95616-8686<br>(530) 752-8085                               | Proponents may elicit testimony from Professor Herek on topics related to his expert report, his writings, and deposition testimony.                               |
| 5 | Michael Lamb        | University of Cambridge<br>Free School Lane<br>Cambridge CB2 3RQ<br>United Kingdom<br>(44) 01223-334523  | Proponents may elicit testimony from Professor Lamb on topics addressed in his expert report, expert rebuttal report, his writings, and deposition testimony.      |
| 6 | Ilan H. Meyer       | Columbia University<br>Mailman School of Public Health<br>722 West 168 Street<br>New York, New York 10032<br>(212) 305-1952                      | Proponents may elicit testimony from Professor Meyer on topics addressed in his expert report, his writing, and deposition testimony.                              |
| 7 | Letitia Anne Peplau | University of California, Los Angeles<br>Department of Psychology<br>1285 Franz Hall, Box 951563<br>Los Angeles, CA 90095-1563<br>(310) 825-1187 | Proponents may elicit testimony from Professor Peplau on topics addressed in her expert report, expert rebuttal report, her writings, and deposition testimony.    |
| 8 | Gregory M. Segura   | Department of Political Science,<br>Stanford University<br>100 Encina Hall West<br>Stanford, CA 94305-6044<br>(650) 723-3583                     | Proponents may elicit testimony from Professor Segura on topics addressed in his expert report, expert rebuttal report, his writing, and deposition testimony.     |
| 9 | Edmund A. Egan      | 135 Carl St. #4<br>San Francisco, CA 94117<br>(415) 341-6887   | Proponents may elicit testimony from Dr. Egan on topics addressed in his expert report and deposition testimony.   |

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| City and County of San Francisco<br>County Clerk | Office of the County Clerk<br>City and County of San Francisco<br>City Hall, Room 168<br>1 Dr. Carlton B. Goodlett Place<br>San Francisco, CA 94102<br>(415) 554-4950 | If necessary, Proponents may call a representative from the City and County of San Francisco's Office of the County Clerk to testify to marriage records produced in connection with Dr. Egan's expert report. |
| California Secretary of State                    | California Secretary of State<br>Domestic Partners Registry<br>1500 11th Street, 2nd Floor<br>Sacramento, CA 95814<br>(916) 653-3984                                  | If necessary, Proponents may call a representative from the office of the California Secretary of State to testify to domestic partnership records produced by the State.                                      |

1 Dated: December 7, 2009

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3 ATTORNEYS FOR DEFENDANT-INTERVENORS  
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By: /s/Charles J. Cooper  
Charles J. Cooper